

**WSDOT Wetland Bank
Oversight Committee (BOC)
Teitzel Bank Site Meeting
February 20, 2002
9:00 am – 4:00 pm
Employment Security Bldg., Olympia
Public Affairs Conference Room**

Draft Minutes

Attendees:

Barb Aberle	Washington State Dept. of Transportation
Heather Roughgarden	Washington State Dept. of Transportation
Noah Herlocker	Washington State Dept. of Transportation
Emily Teachout	US Fish and Wildlife Service
Joan Cabreza	Environmental Protection Agency
Lauren Driscoll	Washington Department of Ecology
Brad Murphy	Washington Department of Ecology
Gail Terzi	US Army Corps of Engineers
Anne Robinson	US Army Corps of Engineers
Dave Martin	US Army Corps of Engineers

Action Items

- 1) Draft meeting minutes:** Each signatory agency is requested to provide written comments regarding the accuracy of these meeting minutes by March 20th, 2002.
- 2) Timely response:** WSDOT will strive to provide the BOC with the following items by March 11, 2002 to allow all parties at least 2 working weeks for review and comment prior to the next BOC meeting scheduled for March 25, 2002:
 - A. Revised standards of success
 - B. Revised Prospectus
 - C. Proposed credit release schedule with credits tied to each success standard

3) Review and Comment on above items: Items A, B, and C will be discussed at the next BOC meeting. WSDOT requests that BOC members be prepared to provide feedback on these at next meeting (3/25/02).

4) Response to Moses Lake Draft MBI: WSDOT will send out the revised Moses Lake MBI by March 6, 2002. WSDOT is requesting any feedback by March 20, 2002 in order to address comments at the 3/25/02 BOC meeting.

5) Facilitation of Dispute Resolution Process: WSDOT will schedule time at the next BOC meeting to discuss ways that the group can improve its efficiency. WSDOT will provide a facilitator for this segment of the meeting.

Goal of Meeting

The goal of this meeting was to identify the process and next steps for finishing the Teitzel MBI. Specifically, the meeting attempted to reach consensus on the performance measures proposed by WSDOT based on comments received at the January 16, 2002 BOC meeting and to introduce proposed multipliers to be used for debiting credits when impacting Cat. I or III wetlands. Also, the meeting was used to review a proposed “phased release” schedule for bank credits. Progress was made on all of the above goals as described below.

Opening Discussion

Ecology banking rule update

Lauren gave a description of the general comments she has received in response to Ecology’s proposed statewide banking rule. A formal agency response to the comments received is expected to go out in April.

BOC process improvement/ dispute resolution

Loren suggested that the BOC hold a dispute resolution process at the next meeting in March. She felt that the team needs to stop and address concerns raised in WSDOT's comments on the draft Ecology banking rule regarding the functioning of the BOC. Some things are not working well with the BOC and she felt that it is important for the team to talk about what the problems are and how we can address them to improve the functioning of the BOC. She has a “blue cloth” approach that the committee can use. The blue cloth is a tool for brainstorming and then for organizing the brainstorm into areas of commonality (like affinity mapping) so that underlying themes can be identified.

In response to this, it was generally agreed that an objective/ outside facilitator should be a part of this resolution process. Barb explained that certain parts of the BOC process are good examples of problems that may be exacerbated if the rule does not reflect WSDOT’s comments and that the comments are not directed toward the BOC itself or a criticism thereof. Never the less, Barb agreed to proceed with a dispute resolution process and to take responsibility for obtaining a facilitator to attend the next BOC meeting.

Opportunities for streamlining

Barb inquired about the MOA being created between the Corps and Ecology. Specifically, Barb would like to see more opportunities for streamlining the permitting process integrating it with the MBRT process rather than waiting until the MBI is finished to apply for permits. Gail pointed out that there are advantages to waiting as in the case of WSDOT's potential need to reapply for a NW27 permit. Dave suggested that in his experience the permitting process takes only ~10% of the actual time required to set up a bank site. However, to streamline the permitting, BOC members could set up the necessary paper work without actually submitting it until the MBI is signed. This way permit issuers would be aware of the anticipated permit requests and work with WSDOT to make sure that they are complete and will result in a rapid issue of permits at the end of the MBI process. Barb requested that any additional thoughts on how the process can be streamlined be sent to her so that they can be put together and discussed as a whole at the next BOC meeting in concert with the dispute resolution process.

Additional response time

Emily, Gail, and Lauren noted that WSDOT is not providing sufficient time for them to take proposed changes to their agency managers or to provide comments on suggested language. WSDOT agrees that insufficient time was allotted for review and commenting prior to the last few meeting. WSDOT will now send out documents requiring comments or concurrence at least 2 weeks in advance of due dates (such as BOC meetings).

Teitzel Discussion

Performance standards

WSDOT sent out a draft of the objectives and associated success standards for Teitzel the week prior to this meeting. It was agreed by all parties that this was not sufficient time to provide in-depth review of the document. The BOC worked through the first 3 objectives and it became clear that the document needed some language changes to be clear in its intent and consistent in its meaning. Based on this group review, WSDOT will reformat the document and send it out to the BOC for review prior to the next scheduled BOC meeting. WSDOT is requesting concurrence or specific changes required by each signatory agency in order to reach concurrence on the standards at the next meeting.

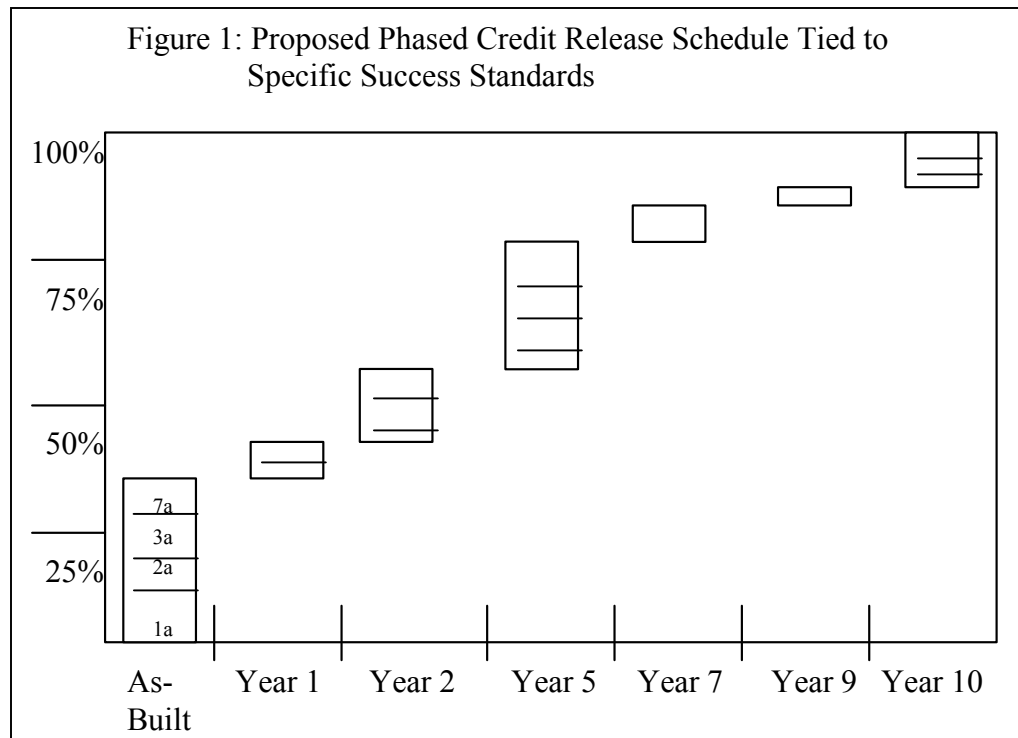
In addition to the language changes, the group agreed that a definitions page would be helpful somewhere in the MBI that the standards could reference. This would include the definition of the words "restoration", "enhancement", "BOC", and "signatory". Also, it was agreed that WSDOT should try and organize objectives by geographical area with references to the mitigation areas map.

Lauren and Brad had to leave at noon. The following minutes do not reflect Ecology's involvement. However, Noah supplied Lauren with 1) the flexibility clause, 2) the methodology for converting the credit debits for non category II

wetlands, and 3) WSDOT's proposed phased credit release schedule (all discussed below).

Credit release proposal

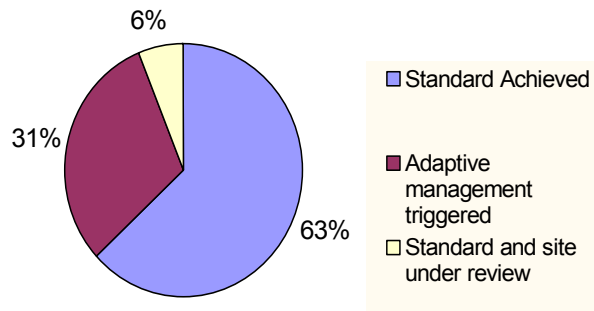
To tie credit release to something tangible and answer the question "How many credits should be released when 4 of 5 success standards for a given year are met?" Dave suggested tying each credit released to a specific success standard.



Joan then put the idea into a graph format (figure 1) to demonstrate how credits could be doled out separately within a single year. In Figure 1 above, the vertical axis represents the total credits available in the bank with 100% being equal to 78 category II wetland impact credits. The horizontal axis represents the years in which the site will be monitored to ensure that success standards for those years were met. The stacked boxes above each year represent the amount of credit released for every one of the success standards applicable to that year (example only). Using this method, credit release will not be an ambiguous process needing further negotiation in the event that 3 out of, say, 4 success standards for a given year are met. For example, if upon as-built conditions, success standards 1a, 2a, and 3a have been met but success standard 7a was not, then 30 rather than 35 credits might be released. Success standard 7a would then be moved to the next monitoring year along with the credits associated with it. WSDOT will work to develop a proposed credit release schedule with the amount of credits tied to each success standard for a given monitoring year.

For reference, WSDOT provided the BOC with a document that summarizes the fact that WSDOT has an established process and budget in place for actively managing wetland mitigation sites. The following graph and supporting text attribute to WSDOT's history of site monitoring and adaptive management:

2000-2001 Mitigation Site Success



The above graph demonstrates that the monitoring of over 70 mitigation sites in 2000 and 2001 showed that 63% of the success standards were met. Thirty-one% were not met but, as intended, triggered site remediation. Only 6% of the performance standards were not met and did not trigger further site management. These standards were deemed unattainable as written and are under review with resource agencies.

Proposed multiplier to be used for adjusting credit debits when impacting category I, III, and IV wetlands:

The entire Teitzel wetland mitigation bank site is considered mitigation for 78 acres of category II wetland impacts. The site may, however, be used to mitigate for impacts to category I, III, and IV wetlands. WSDOT proposed a methodology for debiting credits from the site that uses a number that, when multiplied by the acres of wetlands impacted, will provide the amount of credits to be debited from the total of 78 when dealing with non category II wetlands.

Using the difference between the ratios given in the 1994 MOA between WSDOT and all agencies currently part of the BOC for Teitzel, for each of the 4 categories, WSDOT proposed the following “multipliers”:

Category	I	III	IV
Resulting credit debit for 1 acre of impact (multiplier)	1.7	0.8	0.7
Adjusted credits available in bank	45.4	92.8	107.5

Flexibility clause:

Noah submitted the following credit release flexibility clause to the BOC with the hope that the group could concur with this language or provide improved language by the next meeting:

“WSDOT has a need for flexibility in the release of credits due to the occasionally random allocation of project funding. Anticipated road projects should fit well

into the credit release timeline proposed for Teitzel and the majority of credits generated by the site should reach maturity before use. However, as a state agency serving the interests of a changing legislature and responsible to the taxpayers, WSDOT cannot agree to a credit release schedule that precludes them from using the bank site as mitigation under unforeseen circumstances (i.e. emergency work or changes in project priority due to public need). To resolve the issue, members of the BOC agree that this MBI must offer WSDOT flexibility under unforeseen needs for mitigation credits. In the event that WSDOT has an unanticipated need for the majority or all of the credits available in the Teitzel bank site, WSDOT is allowed to reconvene the BOC and renegotiate credit availability. Additionally, if more than one year has passed since the bank has met a performance standard and WSDOT has an immediate need for credits, WSDOT may request a higher amount of credits to be released in recognition of the additional site value that was gained in the time since meeting the last performance standard.”

This paragraph would be placed in the Teitzel MBI under chapter IV, §D: *Credit Release Schedule*.

Prospectus:

WSDOT submitted a draft prospectus to Gail, Dave, and Lauren for preliminary formatting and content comments. The draft was copied and distributed to the BOC during the discussion wherein the Corps reviewed their comments before the group. Joan and Emily also made initial comments. These included requests that WSDOT reformat the maps so that they are more legible. Gail mentioned that WSDOT did not need to use the title block as long as the maps were in the proper format. These comments will be reflected in the next draft and distributed to the BOC prior to the next meeting with sufficient time for internal review. WSDOT hopes to obtain general agreement on the content of the prospectus soon so that the prospectus may be put out for public comment.

Next Steps

Next issues needing concurrence

1. Sign Moses Lake Mitigation Bank Instrument
2. Proposed credit release schedule for Teitzel
3. Conversion ratios (multiplier) for impacts to Category I, III, and IV wetland impacts based on 78 credits for cat. II impacts (Teitzel)
4. Success standards (Teitzel)
5. Monitoring protocol/ Maintenance plan (Teitzel)

Action needed prior to next BOC meeting (March 25, 2002)

WSDOT:

- Confirm development restrictions on Teitzel estate.

- Bring in forest management literature (e.g. stem density for forest regeneration) to use for the success standards.
- Obtain objective facilitator for dispute resolution segment at next BOC meeting
- Revise standards according to input attained at the 2/20/2002 BOC meeting and distribute to group prior to next meeting.
- Add comments to prospectus for Corps' public comment period.
- Decide whether or not to add additional mitigation work that would require WSDOT to reapply for the NW27 permit and obtain concurrence again from USFWS.
- Mail BOC (except Emily) clean version of revised draft Moses Lake MBI.

Signatories:

- Seek internal advice on issuing concurrence on items 1-5 above (page 5).
- Bring actions/ revisions needed in order to grant concurrence on items 1-5 above to next meeting (3/25/2002).